

**TOWN OF DARIEN
BOARD OF SELECTMEN
SEPTEMBER 8, 2014**

ATTENDANCE: First Selectman Jayme Stevenson; Christopher (Kip) Hall,
Gerald Nielsen, E. Reilly Tierney.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:00 p.m.

Report from Board of Education Central Office /Mather Center

Building Committee Chairman, David Campbell reported that as of Friday final costs are at \$633,000 and most items are closed out. He reported that John Ryan is confident that this is the final number and each building will have a CO. He stated that 35 Leroy forgot to ask for a CO and completed items now include HVAC and items on the punch list were addressed: .

- A roof leak in the large conference room, which was identified as the result of a missing slate tile was repaired by the BOE
- Additional lighting was installed in the large conference room.
- Repairs to the HVAC system and the results of commissioning the system.
- The indoor air quality in the building as acceptable.
- The BOE grant for 35 Leroy is on hold as the state lost all the paperwork, and will be resubmitted with the next grant application/signing cycle. He added that it represents a high percentage of the total cost, more than \$600,000.

Mr. Campbell noted that the Mather Center has been much smoother and no issues with the A/C and HVAC system is on track and working well. He added that temporary door mats are being used until the correct ones are received as on order. He added that the certificate of occupancy is in process.

Mr. Tierney asked about testing the heating system. Mr. Campbell explained that the new engineer has completed the duct system repairs where duct valves were frozen in a closed position, and that has now been rectified. He explained that they will not know fully the heating system capacity and limitations until the winter if it is properly balanced but preliminary testing has been done.

Mr. Nielsen asked if the detail on the final numbers can be issued and Mr. Campbell said he will have this tomorrow and will email it to the Selectmen. He added that they have had to pay the contractor to redo what should have been originally done.

Report from Finance Director – End of Fiscal Year 2013-14

Kate Bush, Finance Director provided her report and highlighted variances of actual expenditures versus budget. She explained that there is a leftover of \$791,000 and the BOE returned \$300,000 of the additional \$800,000 special appropriation. She outlined that this year the fund balance draw down was \$350,000 versus \$2.5 million budgeted. She reviewed the process and outcome of the refinanced bonds at significant reduced interest rates. There was a review of significant variances by department and explanation of overages. Ms. Bush highlighted that an increase in legal costs was the result of case loads; Police Overtime was due to unanticipated scheduling; and DPW increases were due to winter-related supply needs and cost increases.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report, as follows:

1. Tuesday, September the Affordable Housing Trust Fund held their 3rd meeting to continue to discuss policies for the use of the funds the town has received through the Planning and Zoning Inclusionary Zoning regulation. The general consensus of the committee is to be proactive rather than reactive regarding opportunities to use the funds to help develop more affordable housing. Chairman Sam Fuller will be invited to a future meeting to update us directly on the committee's work.
2. 336 West Avenue Tree issue - clarify policy for objecting to the removal of trees on town property. She referred to anonymous letters received and explained that the complaint process would include a letter and a procedure to have the Tree Warden look into condition of the tree to determine necessary action. She asked the public to provide name and address contact information as anonymous letters do not provide a means of reply.
3. I received notice from the CT DOT that they will be installing an over height warning system at the railroad overpass on the Post Road and will make improvements to the NO LEFT TURN sign at the Post Road and West Avenue. The improvements are scheduled to be made in 2016 as part of a larger DOT traffic signal replacement project.
4. Update on the demolition of the Edgerton Property— Karl Kilduff to report
5. Following tradition, the Darien Monuments and Ceremonies Commission will observe 9/11 on Thursday, September 11th at 8:30am at the 9/11 Memorial located behind Middlesex Middle School. A moment of silence will be observed at 8:46am, the time the first plane struck the Tower on September 11, 2001. The public is welcome and encouraged to attend.
6. Mather Center Grand Opening – September 22, 2014

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff stated that there is a budget transfer recommended for Edgerton property for pre-demolition funding of a hazard materials survey. He explained that this is necessary to determine the plan for asbestos abatement and PCB particle removal.

A discussion ensued over the disposition of the property. First Selectman explained that there have been many studies done on the property and past analyses indicate that the building has long outlived its useful life. She added that the Board of Education is waiting for enrollment studies to determine their plan and owes the Board an answer as to their plans for the property use.

PUBLIC COMMENT

Ken Viveson, 27 Edgerton and RTM representative from District 5 presented photographs of the building and letter to the Board. He spoke of the danger to students at Middlesex School and asked for plans for demolition and asked the letter be included as follows:

The Middlesex Middle School Neighborhood Association ("MMSNA") would like to request an update on the plans for the vacant former Senior Center building at 30 Edgerton Street. We are following up on previous communications with you from April and July of this year.

1. In your April 8, 2014 e-mail you advised that the Town was preparing for the demolition of the Edgerton building and expected the approval process to take 2 months. However, in your July 11, 2014 e-mail to our group, you stated that the building would instead be "winterized" and "secured" pending the BOE's decision on what to do with the property. We are confused by the change in approach. Our understanding is that the dilapidated condition of the old Senior Center made renovating the building impossible for Darien's seniors and that this was one of the reasons driving the move of the Senior Center to the Mather Center. Has that view now changed with respect to its potential use by the Board of Education for Darien's school children? We are unaware of any public discussion of a future use for the old building and believe that the building presents an attractive nuisance for the children and teens residing in our neighborhood, as well as for children who attend Middlesex Middle School. Because of its hidden location from the street and the poor condition of its doors and windows, we do not believe that the building can be adequately secured against children and vandals seeking access to it.

Whatever the Board of Education decides to do with the Edgerton property, we cannot see a future use for the former Senior Center building and we believe that the building should be razed promptly before some unfortunate incident occurs there. We view this as a pressing public safety issue, particularly now that school has started again.

2. In the past, members of the Board of Selectmen have expressed the need to demolish the building as soon as it is vacated. At the April 1, 2014 Board of Finance meeting, the BOF discussed the former Senior Center building, its demolition, the expensive cost

2. Derrick Clark, Middle School Neighborhood Association, stated that he wanted to echo the comments made asked the Board for timing on the plans for demolition.

Mr. Viveson returned to make an additional comment and asked the Board for timing on the plans for future use and property designation. First Selectman Stevenson replied that the Board is moving forward for demolition plans and will wait indefinitely to hear from the Board of Education on direction as to the further disposition of the property.

NEW BUSINESS

Discuss and Take Action on a Resolution Approving a Confidentiality Agreement with AT&T
Regarding a Proposed Telecommunications Tower Lease

First Selectman Stevenson read the resolution and called for a motion for approval.

RESOLUTION APPROVING A CONFIDENTIALITY AGREEMENT WITH AT&T REGARDING A PROPOSED TELECOMMUNICATIONS TOWER LEASE

WHEREAS, Ox Ridge Hunt Club, Inc. ("Club") is the owner of certain real property located in the Town of Darien, Connecticut with an address of 512 and 516 Middlesex Road and totaling approximately 36.915 acres of land ("Property"):

WHEREAS, the Town of Darien is a municipal entity formed and organized under the laws of the State of Connecticut (the "Town"):

WHEREAS, the Club and Town entered into a Declaration of Open Space and Deed Restriction dated March 26, 2012 (the "Declaration"):

WHEREAS, New Cingular Wireless PCS, LLC ("AT&T") is a Delaware limited liability company whose member corporation is licensed by the FCC to operate a "cellular system" within the meaning of C.G.S. 16-50i(a)(6):

'WHEREAS, the Club and AT&T entered into a Land Lease Agreement ("Lease Agreement") effective as of March 27, 2014:

WHEREAS, the Town through its counsel has sought a copy of the Lease Agreement to assess it in relation to any legal rights the Town may enjoy as set forth in the Declaration:

WHEREAS, AT&T has asserted that the Lease Agreement is and or contains trade secrets and or contains confidential commercial or financial information not required to be disclosed by statute:

WHEREAS, the Club and AT&T each have asserted the Lease Agreement is a confidential proprietary agreement not subject to disclosure to third parties except as provided for by statute.

NOW, THEREFORE, BE IT RESOLVED, that the Darien Board of Selectmen hereby authorizes and directs Town Counsel, Wayne Fox, to execute a confidentiality agreement, on behalf of the Town of Darien with the Ox Ridge Hunt Club, Inc. and New Cingular Wireless PCS, LLC in order to receive a copy of the Lease Agreement between the Ox Ridge Hunt Club, Inc. and New Cingular Wireless PCS, LLC with such release of documentation not being construed as notice by the Club under the terms of the Declaration of Open Space and Deed Restriction dated March 26, 2012.

**** MR. HALL MOVED TO ADOPT THE RESOLUTION APPROVING THE
CONFIDENTIALITY AGREEMENT WITH AT&T REGARDING A PROPOSED
TELECOMMUNICATIONS TOWER LEASE.**

**** MR. TIERNEY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

BUDGET TRANSFERS

Public Works

Mr. Gentile referred to the supporting documents and explained the background and rationale for the transfer. It was noted that with the requested funds transfer DPW will be able to award a contract and commence work on the project immediately fully intending on completing the work prior to the colder weather.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

<u>From:</u>			<u>To:</u>		
Acct. Number	Account Name	Amount	Acct. Number	Account Name	Amount
30442144-910045	Sidewalk - Res	5000.00	30442144-915803	DPW Garage Floor Re-surfacing	5000.00
	TOTAL	\$5000.00		TOTAL	\$5000.00

**** MR. HALL MOVED TO APPROVE THE ABOVE TRANSFER FOR REFERRAL TO THE BOARD OF FINANCE.**

**** MS. MARKS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Gentile referred to the supporting documents and explained the background and rationale for the transfer. It was noted that the DPW Garage Renovation Plan project, while on hold, may be under funded due to changes in the scope of the project; therefore, \$15,000 could be transferred. With these funds and an additional \$55,000 from the contingency account they will be able to award a contract and commence work on the project immediately.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

<u>From:</u>			<u>To:</u>		
Acct. Number	Account Name	Amount	Acct. Number	Account Name	Amount
30442144-915017	DPW Gar Reno Plan	15000.00	TBD	TBD	70000.00
30111014-908600	BOF Contingency	55000.00			
	TOTAL	\$70,000.00		TOTAL	\$70,000.00

There was a discussion on the status of the Garage Renovation Project and plans for funding. First Selectman Stevenson expanded on the current building limitations and structural deficiencies such as no quarters for the staff to rest during shift changes and often times the crew had to sleep in their vehicles. It was noted that this transfer is needed to get through necessary expenses until such time that the renovation plans can be put into place.

- ** MR. HALL MOVED TO APPROVE THE ABOVE TRANSFER FOR REFERRAL TO THE BOARD OF FINANCE.**
- ** MS. MARKS SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**
- ** MR. HALL MOVED TO AMEND THE AGENDA TO ADD THE FOLOWING TRANSFER FOR REFERRAL TO THE BOARD OF FINANCE.**
- ** MS. MARKS SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

<u>From:</u>			<u>To:</u>		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10704000-86600	Contingency	\$8,300	TBD	Haz Mat Assessment	\$8,300
	TOTAL	\$8,300		TOTAL	\$8,300

Mr. Kilduff explained that the former Senior Center located at 30 Edgerton Road has been vacated, and the next step for the site involves identifying the hazardous materials content in the building.

There was discussion over the timing of demolition and timeline for the Board of Education to inform the Board of Selectmen of the designation of the property. Mr. Kilduff explained that this baseline assessment will be necessary in advance of demolishing the site or to quantify the amount of materials to be abated, as a part of any re-use of the facility by others. He added that the assessment will cover testing for lead-based paint, asbestos and PCB in building materials, as is the EPA standard for our region. It was noted that funding is sought from Contingency for this sum as it was unbudgeted.

- ** MR. HALL MOVED TO APPROVE THE ABOVE TRANSFER FOR REFERRAL TO THE BOARD OF FINANCE.**
- ** MS. MARKS SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

There were no items requested to add to the agenda at this time.

Approval of Minutes

Regular Meeting of August 4, 2014

- ** MS. MARKS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 4, 2014 AS SUBMITTED.**
- ** MR. TIERNEY SECONDED THE MOTION.**
- ** MOTION PASSED WITH ONE ABSTENTION (NIELSEN).**

Special Meeting of August 11, 2014 – Executive Session

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 11, 2014 AS SUBMITTED.**
- ** MR. TIERNEY SECONDED THE MOTION.**
- ** MOTION PASSED WITH ONE ABSTENTION (MARKS).**

Regular Meeting of August 11, 2014

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 11, 2014 AS SUBMITTED.**
- ** MR. TIERNEY SECONDED THE MOTION.**
- ** MOTION PASSED WITH ONE ABSTENTION (MARKS).**

There was no other business.

FORTHCOMING MEETINGS

September 9, 2014	Board of Education Regular Meeting at 7:30 PM
September 9, 2014	Planning& Zoning Commission Regular Meeting at 8:00 PM
September 16, 2014	Board of Finance Regular Meeting at 7:30 PM
September 22, 2014	Representative Town Meeting Regular Meeting at 8:00 PM
September 23, 2014	Board of Education Regular Meeting at 7:30 PM
September 23, 2014	Planning& Zoning Commission Regular Meeting at 8:00 PM
September 29, 2014	Board of Selectmen Regular Meeting at 7:00 PM

Adjournment

- ** MR. NIELSEN MOVED TO ADJOURN THE MEETING.**
- ** MR. HALL SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Marilyn Knox, Telesco Secretarial Services

Town of Darien
Board of Selectmen
September 8, 2014
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